

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ELECTRIC INSURANCE COMPANY, : CASE NO. C-1-00-1056
et al. : JUDGE WILLIAM O. BERTELSMAN
Plaintiffs :

vs. :

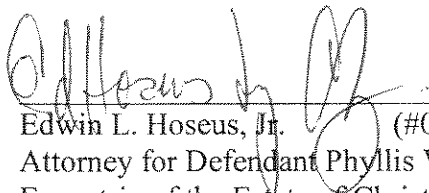
PHYLLIS H. WALLACE, EXECUTRIX
OF THE ESTATE OF :
CHRISTOPHER S. WALLACE, et al. :

Defendants. :

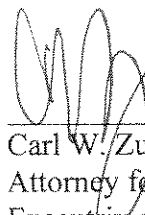
**DEFENDANT, PHYLLIS H. WALLACE'S PROPOSED JURY INSTRUCTIONS,
JURY INTERROGATORIES AND VERDICT FORMS**

Now comes Defendant, Phyllis H. Wallace, and respectfully submits the attached
Proposed Jury Instructions and Jury Interrogatories.

Respectfully submitted,



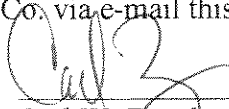
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Executrix of the Estate of Christopher S. Wallace
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Brian A. Meeker,
Attorney for Defendant Chrysler Insurance Co. via e-mail this 10th day of May, 2005.



Carl W. Zugelter (#0007865)
Attorney for Defendant Phyllis Wallace,
Executrix of the Estate of Christopher S. Wallace

UNITED STATES DISTRICT COURT
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ELECTRIC INSURANCE COMPANY,	:	CASE NO. C-1-00-1056
et al.	:	JUDGE WILLIAM O. BERTELSMAN
Plaintiffs	:	
	:	
vs.	:	
	:	
PHYLLIS H. WALLACE, EXECUTRIX	:	
OF THE ESTATE OF	:	
CHRISTOPHER S. WALLACE, et al.	:	
Defendants.	:	

Defendant Wallace requests and incorporates Defendant Chrysler's Jury Instructions numbers one through twenty-two with the exception of number two. In addition thereto Defendant Wallace requests that the following jury instruction be given to the jury

REQUEST FOR JURY INSTRUCTION NO. 1

UNINSURED/UNDERINSURED MOTORIST COVERAGE

This case is known as an underinsured motorist claim. Chrysler Insurance Company provided underinsured motorist coverage on the vehicle in which Christopher Wallace was a passenger. Under this coverage the Estate of Christopher Wallace is entitled to recover damages from Chrysler Insurance Company caused by the **negligence** of an underinsured motorist.

You will consider this case as if the Estate of Christopher Wallace's claims were against the driver of the other vehicle.

At the conclusion of this case, I will instruct you in greater detail on the law of **negligence** and damage.

Tucker v. McQuery (1999), 107 Ohio Misc. 2d 38, 736 N.E.2d 574.

Gaul v. Westfield Insurance Company (Aug. 20, 1999), Lake App. No. 97-L-278, unreported.

JURY INSTRUCTION NO. 2
(Underinsured Motorist Claim)

It has been determined that Chrysler Insurance Company provides underinsured motor vehicle coverage for the automobile in which Christopher Wallace was a passenger at the time of his death. Issues of coverage are not for your determination. You must only resolve the issues of whether or not the accident of April 16, 1999 proximately caused bodily injury and/or death to the plaintiff and if so, to determine a reasonable amount to compensate the defendant's estate for the damages at law.

UNITED STATES DISTRICT COURT
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ELECTRIC INSURANCE COMPANY, : CASE NO. C-1-00-1056
et al. : JUDGE WILLIAM O. BERTELSMAN
:
Plaintiffs :
vs. : **JURY INTERROGATORY NO. 1**
:
PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF :
CHRISTOPHER S. WALLACE, et al. :
:
Defendants. :

The parties have stipulated that Brian Downey was negligent and that his negligence was a direct and proximate cause of the death of Christopher Wallace.

Was Christopher Wallace, negligent (did he impliedly assume the risk of injury) (and did that negligence) (implied assumption of risk) directly and proximately cause his injury and death?

CIRCLE YOUR ANSWER IN INK

YES or NO

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the answer to Interrogatory No. 1 is yes move to Interrogatory No. 2
If the answer to Interrogatory No. 1 is no do not answer Interrogatory No. 2, and move to Interrogatory No. 3, and sign the General Verdict for the Estate of Christopher Wallace.

UNITED STATES DISTRICT COURT
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ELECTRIC INSURANCE COMPANY, : CASE NO. C-1-00-1056
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Plaintiffs

vs.

JURY INTERROGATORY NO. 2

PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF :
CHRISTOPHER S. WALLACE, et al. :

Defendants. :

State the percentages of negligence (implied assumption of the risk) (or both) that directly and proximately caused Christopher Wallace's decedent's injury or death:

Percentage of negligence (implied assumption of the risk) (or both) attributable to Christopher Wallace: _____ %

Percentage of negligence attributable to Brian Downey: _____ %

These percentages must equal the total of100%

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the percentage attributable to Christopher Wallace is 50% or less move to Interrogatory No. 3 and sign the General Verdict for the Estate of Christopher Wallace.

If the percentage attributable to Christopher Wallace is greater than 50% do not answer Interrogatory No. 3 and sign the General Verdict for the Defendant Chrysler Insurance and report to the Court that you have completed your deliberations.

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Plaintiffs

vs.

JURY INTERROGATORY NO. 3

PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF :
CHRISTOPHER S. WALLACE, et al. :

Defendants.

State to total amount of compensatory damages to the Estate of Christopher Wallace
without regard to the percentage of negligence (implied assumption of risk) (or both) attributable
to Christopher Wallace.

State your answer in figures in ink

\$ _____

UNITED STATES DISTRICT COURT
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ELECTRIC INSURANCE COMPANY, : CASE NO. C-1-00-1056
et al. JUDGE WILLIAM O. BERTELSMAN

Plaintiffs

VS.

GENERAL VERDICT

PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF :
CHRISTOPHER S. WALLACE, et al. :

Defendants.

We, the jury, do hereby find for the Estate of Christopher Wallace and we find that the total amount of damages is \$ _____, as decided in Interrogatory No. 3.

Question	Answer
1. What is the main purpose of the study?	The main purpose of the study is to investigate the effect of the independent variable on the dependent variable.
2. What are the independent and dependent variables?	The independent variable is the variable that is manipulated or changed by the researcher. The dependent variable is the variable that is measured or observed.
3. What is the research hypothesis?	The research hypothesis is a statement that predicts the outcome of the study.
4. What are the research objectives?	The research objectives are the specific goals of the study.
5. What is the significance of the study?	The significance of the study is the importance of the study to the field of research.
6. What are the limitations of the study?	The limitations of the study are the factors that may affect the results of the study.
7. What are the conclusions of the study?	The conclusions of the study are the findings of the study.
8. What are the implications of the study?	The implications of the study are the practical applications of the study.
9. What are the future research directions?	The future research directions are the areas of research that need to be explored further.
10. What are the references of the study?	The references of the study are the sources of information used in the study.

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GENERAL VERDICT

PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF
CHRISTOPHER S. WALLACE, et al. :

Defendants. :

We, the jury, do hereby find for the Defendant Chrysler Insurance

[illegible]